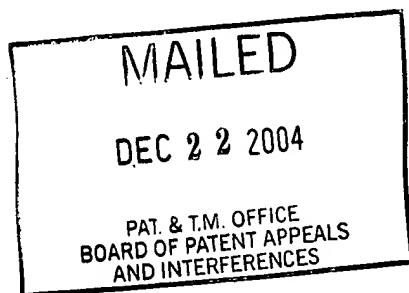




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: James T. Moore
Telephone: (571) 272-9797
Facsimile: (571) 273-0042



Applicants: Poel et al.
Application No.: 09/138,209
Filed: 08/24/98
For: Phenyloxazolidinones having a C-C
Bond to 4-8 membered heterocyclic rings

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,273.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature of James T. Moore, written in black ink, above a horizontal line.

James T. Moore
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,273

Paper No.

Name: Toni-Jo Poel et al.

Serial No.: 09/138,209

Patent No.

Title: Phenyloxazolidinones having a C-C bond to 4-8 membered heterocyclic rings

Filed: 08/24/98

Interference with Gravestock

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Filed by:
James T. Moore
Administrative Patent Judge
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P.O. Box 1450
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Tel: 571-272-9797
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Filed
December 22, 2004

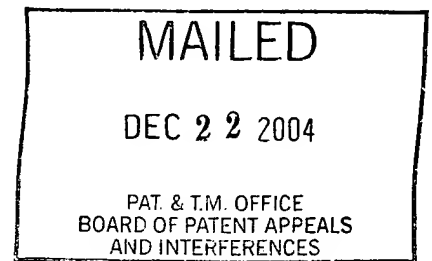
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL BARRY GRAVESTOCK
Junior Party
(Patent 5,981,528)

v.

TONI-JO POEL, DOUGLAS K. HUTCHINSON,
RICHARD CHARLES THOMAS, STEVEN J. BRICKNER,
and
MICHAEL R. BARBACHYN
Senior Party
(Application 09/138,209),



Patent Interference No. 105,273

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. on February 16, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: MICHAEL BARRY GRAVESTOCK,
MACCLESFIELD, ENGLAND
UNITED KINGDOM

Patent: 5,981,528, issued November 9, 1999
from application 08/945,160, filed October 21, 1997

Title: ANTIBIOTIC OXAZOLIDINONE DERIVATIVES

Assignee: ZENECA LIMITED, LONDON, ENGLAND,
UNITED KINGDOM

Accorded Benefit: PCT/GB97/00462 February 20, 1997
UK 9603939 February 24, 1996
UK 9618404 September 04, 1996

Senior Party

Named Inventors: TONI-JO POEL, WAYLAND MICHIGAN
DOUGLAS K. HUTCHINSON, KALAMAZOO MICHIGAN
RICHARD CHARLES THOMAS, KALAMAZOO MICHIGAN
STEVEN J. BRICKNER, LEDYARD CONNECTICUT
MICHAEL R. BARBACHYN, KALAMAZOO CONNECTICUT
ALL OF UNITED STATES OF AMERICA

Application: 09/138,209, filed August 24, 1998

Title: PHENYLOXAZOLIDINONES HAVING A C-C BOND TO 4-8 MEMBERED
HETEROCYCLIC RINGS

Assignee: None

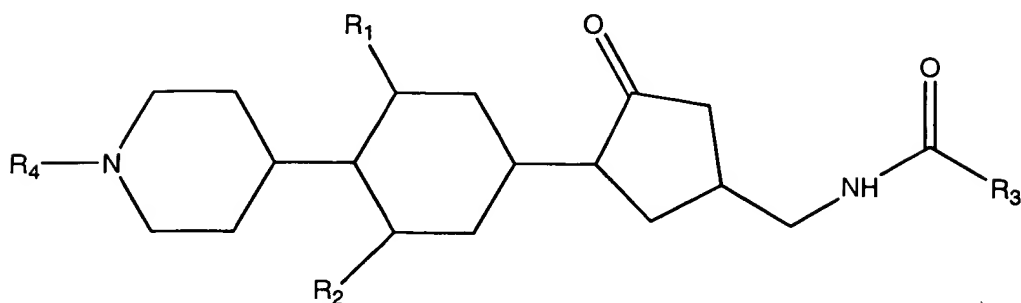
Accorded Benefit: 08/696,313, filed August 13, 1996
60/003,149, filed September 01, 1995

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

A composition according to the following formula:



wherein:

- R₁ is H or F
- R₂ is H or F
- R₃ is H, C₁₋₄ alkyl, chloromethyl, chloroethyl, or C₁₋₄ alkoxy
- R₄ is H;
C₁₋₆ substituted with -OH, -CN, or F;
C₁₋₄ alkylphenyl;
CHO;
COCF₃;
CO-CH₂-phenyl-C₁₋₆ alkyl;
CO-CH₂OCO(C₁₋₆ alkyl);
COOC₁₋₆ alkyl;
COC₁₋₄COC₁₋₄ alkyl;
SO₂-C₁₋₆ alkyl;
SO₂-C₁₋₄ alkylphenyl; or
a 5-6 member heterocyclic ring.

The claims of the parties are:

GRAVESTOCK: 1-8

POEL: 1-6, 8, 11-20.

The claims of the parties which correspond to Count 1 are:

GRAVESTOCK: 1-6 and 8

POEL: 1-5, 8, 11-15, 17 and 20.

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

GRAVESTOCK: 7

POEL: 6, 16, 18, and 19.

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference. See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

MICHAEL BARRY GRAVESTOCK
Junior Party
(Patent 5,981,528)

v.

TONI-JO POEL, DOUGLAS K. HUTCHINSON,
RICHARD CHARLES THOMAS, STEVEN J. BRICKNER,
and
MICHAEL R. BARBACHYN
Senior Party
(Application 09/138,209),

Patent Interference No. 105,273

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.



James T. Moore
Administrative Patent Judge

Enclosures:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 5,981,528
Copy of claims of 09/138,209

Revised September 2004

cc (via overnight delivery):

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269-833-9536